

REMARKS

Claims 1 and 4 have been amended to delete the pentachloro(thiazole) iridium recitation and thereby distinguish of the cited art more clearly. Claims 12 and 13 have been added depending on claims 1 and 4, respectively, and reciting particular metal complexes classified into Class C.

Entry of the above amendment is respectfully requested.

Obviousness Rejection

On page 2 of the Office Action, in paragraph 2, claims 1, 2, 4, 6, 7, and 9-11 are rejected under 35 U.S.C 103(a) as being unpatentable over Mydlarz et al (5,783,373 or 5,783,378) in view of Edwards et al (5,792,601) in further view of any of Mydlarz et (6,531,274 or 6,107,018), Budz et al (6,242,172), or Mehta et al (6,265,145).

In response, Applicants note initially that the only specific dopant disclosed in the secondary references which was recited in claims 1 and 4 prior to the above amendment is pentachloro(thiazole) iridium at, e.g., column 8, line 16 in Mydlarz '018. While the Examiner indicates that H₂O is also a ligand taught to be useful such that one of ordinary skill in the art would have been motivated to replace the thiazole ligand with H₂O, Applicants submit that the Examiner is misinterpreting the disclosure in the secondary art in this regard. That is, Budz and Mehta disclose:

Preferably, each of the ligands is more electropositive than a cyano ligand, and at least one of the ligands comprises a thiazole or substituted thiazole ligand. Any remaining ligands can be selected from among various other bridging ligands, including aquo

ligands, halide ligands, ..." (emphasis added; see the disclosure at column 9, lines 12-20 in Budz and the disclosure bridging columns 7-8 in Mehta).

From this disclosure, Applicants submit that one would not have substituted aquo in place of thiazole, contrary to the Examiner's assertion in the middle of page 3 of the Office Action. Rather, the ligands other than thiazole are the "remaining ligands", so for the ligands other than thiazole, one may have selected aquo based on this disclosure. For example, Applicants submit that one may have changed the pentachloro(thiazole) iridium disclosed at column 9, line 38 in Budz to pentaquo(thiazole) iridium. Thus, Applicants submit that one would not have arrived at pentachloroqua iridium, tetrachloroqua iridium, pentabromoqua iridium, tetrabromoqua iridium, or tribromoqua iridium as recited in claims 1 and 4.

Accordingly, Applicants have amended independent claims 1 and 4 to delete pentachloro(thiazole) iridium, and Applicants submit that the amended invention is not obvious over the cited art.

Further, Applicants have added claims 12 and 13 depending from claims 1 and 4, respectively, and reciting that the transition metal complex classified into Class C is selected from the group consisting of pentachloro(pyridine) iridium and pentachloro(pyrazine) iridium. Applicants note that the Examiner did not discuss pentachloro(pyridine) iridium or pentachloro(pyrazine) iridium, so Applicants submit that claims 12 and 13 are not obvious for this additional reason.

As to independent claims 4 and 9, Applicants submit that these claims recite a localized silver iodochloride phase, while Edwards is directed to a localized silver bromide phase, so the cited art does not teach or suggest the invention recited in these claims or the claims dependent

thereon. Applicants note that the Examiner did not discuss this argument in paragraph 3 on page 4 of the Office Action, so Applicants respectfully request that the Examiner consider this argument and either remove the rejection with respect to claims 4 and 9 and the claims dependent thereon or provide a specific response.

Thus, Applicants submit that the present invention is not obvious over the cited art, and withdrawal of this rejection is respectfully requested.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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